



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

Memorandum

**TO:** State Board of Education

**FROM:** Thomas D. Watkins, Jr., Chairman  
*Tom Watkins*

**DATE:** April 26, 2004

**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since April 13, 2004, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# R/0892-04- OSE/EIS    Cheboygan-Otsego-Presque Isle Educational Service District**

Exemptions: None

**Administrative Rule:** 340.1738 (b) - Programs for students with severe cognitive impairment

**Waiver Synopsis:**

Replace the 230-requirement for SCI classrooms from 230 to a minimum of 209 days and keeping the minimum of 1,150 clock hours of instruction requirement.

**District Rationale:**

- Transportation did not present any difficulties; students were transported in the same manner as the regular school year.
- Lunches were provided for students who required them.
- Five students attended the summer program who did not attend in past summers.
- Attendance rate was as good or better than previously.
- Parent approval of program was positive.
- Students were able to participate in community outings and activities without being rushed and students were better able to enjoy the outings.

**Action:**

Approve.

**Recommended waiver period:**

July 1, 2003 through June 30, 2006